

Examiner to discuss the applicability of International Published Application No. WO 97/13064 to Bergstrom et al. (hereinafter "Bergstrom") to the claims under consideration. At the conclusion of the interview, the Examiner agreed that all pending claims are allowable over Bergstrom for the reasons that follow.

**II. REJECTION OF CLAIMS 1, 3, 8, 9, 12, 14, 17, 18 UNDER
35 U.S.C. § 102(a) AS ANTICIPATED BY BERGSTROM**

Claims 1, 3, 8, 9, 12, 14, 17, and 18 were rejected under 35 U.S.C. § 102(a) as being anticipated by Bergstrom. Respectfully, Applicants traverse.

Independent claims 1, 8, and 12 relate to devices and methods for controlling a system, including, inter alia, a priority manager for (or step for) continuously modifying the respective corresponding priority value of each of at least one of the activatable modules individually to one of increase and decrease the respective corresponding priority value relative to the priority value of another of the activatable modules.

The Final Office Action cites Bergstrom, page 8, line 17, to support the contention that Bergstrom discloses a priority manager modifying the corresponding priority value of at least one of the modules. However, as recognized by the Examiner during the above-identified telephone interview, Bergstrom does not disclose a priority manager as recited in claims 1, 8, and 12, since Bergstrom simply does not disclose a device for "continuously modifying the respective corresponding priority value of each of at least one of the activatable modules individually to one of increase and decrease the respective corresponding priority value relative to the priority value of another of the activatable modules," as recited in these claims.

For at least the foregoing reasons, Applicants respectfully submit that Bergstrom does not anticipate independent claims 1, 8, and 12. Furthermore, since claim 3 depends from claim 1, and since claim 9 depends from claim 8, and since claims 14, 17, and 18 ultimately depend from claim 12, it is respectfully submitted that Bergstrom does not anticipate claims 3, 9, 14, 17 and 18 for at least the same reasons. Accordingly, it is kindly requested that the rejection of claims 1, 3, 8, 9, 12, 14, 17, and 18 under 35 U.S.C. § 102(a) be withdrawn.

III. REJECTION OF CLAIMS 2, 4, 5, 6, 7, 10, 11, 13, 15, 16, 19, 20 UNDER 35 U.S.C. § 103(a) AS UNPATENTABLE OVER BERGSTROM IN VIEW OF YOUNT, KIRSTEIN, OR KEPHART

Claims 2, 4, 13, and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bergstrom in view of U.S. Patent No. 4,787,041 to Yount (hereinafter "Yount"); claims 5, 6, 10, 11, 19, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bergstrom in view of U.S. Patent No. 4,653,003 to Kirstein (hereinafter "Kirstein"); and claims 7 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bergstrom in view of U.S. Patent No. 5,563,452 to Kephart (hereinafter "Kephart"). Respectfully, Applicants traverse.

As stated above, the primary Bergstrom reference does not disclose each and every feature of independent claims 1, 8, and 12, from which claims 2, 4, 5, 6, 7, 10, 11, 13, 15, 16, 19, and 20 ultimately depend. Furthermore, any reading of Yount, Kirstein, and Kephart makes clear that these references, whether considered individually or in combination with Bergstrom, fail to cure the critical deficiencies of Bergstrom as applied against independent claims 1, 8, and 12. Specifically, each of these references fails to disclose "continuously modifying the respective corresponding priority value of each of at least one of the

activatable modules individually to one of increase and decrease the respective corresponding priority value relative to the priority value of another of the activatable modules," as recited in independent claims 1, 8, and 12.

For at least the foregoing reasons, it is respectfully submitted that claims 2, 4, 5, 6, 7, 10, 11, 13, 15, 16, 19, and 20 are patentable over Bergstrom, Yount, Kirstein, and Kephart, whether these references are considered individually or in combination. Accordingly, it is kindly requested that the rejections of these claims under 35 U.S.C. § 103(a) be withdrawn.

IV. CONCLUSION

In light of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,
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